APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,767	12/08/2003	Richard P. Himmer	I20 04983US	3406

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EXAMINER
WANG, BEN C

ART UNIT	PAPER NUMBER
2192	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/729,767	HIMMER ET AL.
Office Action Summary	Examiner	Art Unit	
	BEN C. WANG	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>December 1, 2008; December 30, 2008</u>.
2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,2,4-8,16 and 17</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-2, 4-8, and 16-17</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 30, 2008 has been entered.

2.   Applicant's amendment dated December 1, 2008, responding to the Final Office action mailed September 30, 2008 provided in the rejection of claims 1-8 and 16-17, wherein claim 2 has been amended, and claim 3 has been canceled.

Claims 1-2, 4-8, and 16-17 remain pending in the application and which have been fully considered by the examiner.

Applicant's arguments with respect to claims currently amended have been fully considered but are moot in view of the new grounds of rejection – see *Dardinski et al.* - art made of record, as applied hereto.

Claim Rejections – 35 USC § 103(a)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-2, 4-8 and 17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hammack et al. (Pat. No. US 6,449,624 B1) (hereinafter 'Hammack')

in view of Dardinski et al. (WO 00/70417) (hereinafter 'Dardinski' - art made of record)

4.   **As to claim 1** (Previously Presented), Hammack discloses a source control

system for a process control system (e.g., Fig. 1 – a process control system; Col. 3,

Lines 49-52 – a process control system includes a process controller connected to one

or more host workstations or computers via a communication network such as an

Ethernet connection or the like), comprising:

- a processor in a process control system (e.g., Col. 2, Lines 36-39 – the inventive

  system further includes a configuration routine and a version control routine, both

  of which are stored in the computer-readable medium and configured to be

  executed by the processor);

- a database accessible by said processor to store information associated with an

  object under source control to be checked-out (e.g., Col. 12, Lines 66 through

  Col. 13, Lines 7 – the VCAT [Version Control and Audit Trail system] system may

  further include functionality that permits the user to request a status update for all

  of the items in the configuration database to ensure that those items that are

  checked out are indicated as such via checkmark or the like); and

- a check-out function operable on said processor to check-out said object (e.g.,
Fig. 6 – element of 120 – "Check Out" , "CheckOut Recursive"); to use said
information to determine whether any dependent objects exist, and to
automatically check-out said existing dependent objects (e.g., Col. 11, Lines 24-
29 – the VCAT system preferably determines during each check-out operation
which other versionable items need to be checked out in order to modify the
configuration of an item; the modification of these other versionable items may be
referred to as "consequential changes.", 45-48 – because the configuration of the
process is set forth in a hierarchal manner, the VCAT system must allow for
checking out items having subordinate items that are also versionable).

Further, Hammack discloses the data stored in an XML document is accessed in
accordance with an object model that provides for parsing the document <u>to create a
data tree structure</u> <u>having a plurality of nodes associated with the version control data</u>
(e.g., Col. 22, Lines 52-58), but does not explicitly disclose other limitations stated
below.

However, in an analogous art of *Process Control Configuration System with
Parameterized Objects*, Dardinski discloses wherein said object is a user defined
template that is derived from a preconfigured object (e.g., Sec. 1.2.2 Managing Object
Types, 1st Para - ... the user picks <u>an already existing object type</u> in the type hierarchy
to act as its '<u>template</u>' type, or object type to be used to create from ...; 2nd bullet - ...
the new object type is created by using an existing object type as its parent ...), and
wherein said existing dependent objects are children user defined templates of said

object being checked out or instances of said object being checked out or of said children user defined templates (e.g., P. 8, 1st Para - ... icons or other appearance <u>information identified in a 'parent configuration object is passed on to its children</u>. Inherited information may be overridden ...; P. 26, 1st Para - ...The derived Parameterized Object gets its parameters by <u>inheriting</u> them from the defining object and by adding its own through local Parameter Definition associations; Sec. 1.3 Parameterized Object Connections, 1st Para - An IDA configuration consists not only of objects, but objects which are related to each other in a number of ways ... These relationships are all called connections; P. 47, the last bullet - Each instance of a Connection Endpoint has a reference to a Point Placeholder; P. 48, Summarizing relationships, all bullets)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings of Dardinski into the Hammack's system to further provide other limitations stated above in the Hammack system.

The motivation is that it would further enhance the Hammack's system by taking, advancing and/or incorporating Dardinski's system which offers significant advantages the apparatus employ object that inherit parameters from their ancestors; changes to an ancestor during configuration are effective as to its descendant objects and can be used to model and define control algorithms for process control, environmental control, industrial and other control system as once suggested by Dardinski (e.g., P. 4, Summary of the Invention, Parameterized Objects)

5.   **As to claim 2** (Currently Amended) (incorporating the rejection in claim 1),

Hammack discloses the system further comprising: a propagation function operable on

said processor to propagate changes made to said object being checked out to said

existing dependent objects, when said object is saved (e.g., Col. 29, Lines 11-16 – the

configuration management system wherein the configuration routine is adapted to be

executed by the processor to make changes to a first process control element and to

propagate changes to other process control elements that are affected by the changes

made to the first process control element) and further Dardinski discloses wherein said

stored information includes a reference to a parent object (e.g., P. 9, Connection

Validation and Configuration, 3rd Para – ... to establish a relationship between those two

objects ... validates that relationship ...)

6.   **As to claim 4** (Original) (incorporating the rejection in claim 1), Hammack

discloses the system wherein said stored information is at least one selected from the

group consisting of: a name, a version number, a type and a status (e.g., Col. 20, Lines

15-20 – Furthermore, it is preferred that key words and labels be utilized to identify

attributes such as object type and properties; examples of property labels are "NAME"

and "DESCRIPTION"; Col. 13, Lines 58-66 – data representative of each prior

configuration of an item is stored in the version control database together with data

reflective of a version assigned thereto; the version is preferably identified by number,

but may be indicated in any other manner)

7.   **As to claim 5** (Currently Amended), Hammack discloses a method of automatic

check-out for a source control system in a process control system, comprising:

- storing information associated with an object (e.g., Fig. 3; Col. 6, Lines 25-43 –

  with reference now to Fig. 3, the data stored in the configuration database may

  be presented to a user via a configuration database administrative interface such

  as Delta V® Explorer, which will hereinafter be referred to as "the Explorer

  system"; the Explorer system sets forth a configuration hierarchy in a windows-

  type environment having a suite of configuration tools for modifying the elements

  of the hierarchy);

- receiving a request from a user to check-out said object (e.g., Fig. 6 – element of

  120 – "Check Out" , "CheckOut Recursive");

- determining whether any dependent objects of said object being checked out

  exist based on said information;

- automatically checking-out said existing dependent objects when said object is

  checked-out; and providing a status to said user (e.g., Col. 11, Lines 24-29 – the

  VCAT system preferably determines during each check-out operation which

  other versionable items need to be checked out in order to modify the

  configuration of an item; the modification of these other versionable items may be

  referred to as "consequential changes.", 45-48 – because the configuration of the

  process is set forth in a hierarchal manner, the VCAT system must allow for

  checking out items having subordinate items that are also versionable).

Further, Hammack discloses the data stored in an XML document is accessed in accordance with an object model that provides for parsing the document to create a data tree structure having a plurality of nodes associated with the version control data (e.g., Col. 22, Lines 52-58), but does not explicitly disclose other limitations stated below.

However, in an analogous art of *Process Control Configuration System with Parameterized Objects*, Dardinski, Al-Khudair discloses wherein said object being checked out is a user defined template that is derived from a preconfigured object (e.g., Sec. 1.2.2 Managing Object Types, 1st Para - ... the user picks an already existing object type in the type hierarchy to act as its 'template' type, or object type to be used to create from ...; 2nd bullet - ... the new object type is created by using an existing object type as its parent ...), and wherein said existing dependent objects are children user defined templates of said object being checked out or instances of said object or of said children user defined templates (e.g., P. 8, 1st Para - ... icons or other appearance information identified in a 'parent configuration object is passed on to its children. Inherited information may be overridden ...; P. 26, 1st Para - ...The derived Parameterized Object gets its parameters by inheriting them from the defining object and by adding its own through local Parameter Definition associations; Sec. 1.3 Parameterized Object Connections, 1st Para - An IDA configuration consists not only of objects, but objects which are related to each other in a number of ways ... These relationships are all called connections; P. 47, the last bullet - Each instance of a

Connection Endpoint has a reference to a Point Placeholder; P. 48, Summarizing

relationships, all bullets)

    Therefore, it would have been obvious to one of ordinary skill in the art, at the

time the invention was made to combine the teachings of Dardinski into the Hammack's

system to further provide other limitations stated above in the Hammack system.

    The motivation is that it would further enhance the Hammack's system by taking,

advancing and/or incorporating Dardinski's system which offers significant advantages

the apparatus employ object that inherit parameters from their ancestors; changes to an

ancestor during configuration are effective as to its descendant objects and can be used

to model and define control algorithms for process control, environmental control,

industrial and other control system as once suggested by Dardinski (e.g., P. 4,

Summary of the Invention, Parameterized Objects)

8.   **As to claim 6** (Original) (incorporating the rejection in claim 5), Hammack

discloses the method further comprising: sorting said existing dependent objects so that

parents precede children (e.g., Col. 11, Lines 48-51 – in one embodiment, if a recursive

check-out or check-in is selected by the user, the VCAT system generates a dialog

window that provides the user with a list of versionable, subordinate items that may be

checked out (or checked-in))

9.   **As to claim 7** (Previously Presented) (incorporating the rejection in claim 5),

Hammack discloses the method wherein one of said existing dependent objects is a

derivation child of said object (e.g., Col. 11, Lines 45-55 – because the configuration of

the process is set forth in a hierarchal manner, the VCAT system must allow for

checking out items having subordinate items that are also versionable)

10.   **As to claim 8** (Previously Presented) (incorporating the rejection in claim 7),

Hammack discloses the method further comprising: automatically checking-out a

derivation child only if said derivation child is checked-in (e.g., Col. 11, Lines 45-55 –

because the configuration of the process is set forth in a hierarchal manner, the VCAT

system must allow for checking out items having subordinate items that are also

versionable)

11.   **As to claim 17** (Currently Amended), Hammack discloses a computer readable

medium having executable instructions stored thereon to perform a method of automatic

check-out for a source control system in a process control system, said method

comprising:

- storing information associated with an object (e.g., Fig. 3; Col. 6, Lines 25-43 –

  with reference now to Fig. 3, the data stored in the configuration database may

  be presented to a user via a configuration database administrative interface such

  as Delta V® Explorer, which will hereinafter be referred to as "the Explorer

  system"; the Explorer system sets forth a configuration hierarchy in a windows-

  type environment having a suite of configuration tools for modifying the elements

  of the hierarchy);

- receiving a request from a user to check-out said object (e.g., Fig. 6 – element of
  120 – "Check Out" , "CheckOut Recursive");

- determining whether any dependent objects of said object being checked-out
  exist based on said information;

- automatically checking-out said existing dependent objects when said object
  being checked-out is checked-out; and providing a status to said user (e.g., Col.
  11, Lines 24-29 – the VCAT system preferably determines during each check-out
  operation which other versionable items need to be checked out in order to
  modify the configuration of an item; the modification of these other versionable
  items may be referred to as "consequential changes.", 45-48 – because the
  configuration of the process is set forth in a hierarchal manner, the VCAT system
  must allow for checking out items having subordinate items that are also
  versionable).

Further, Hammack discloses the data stored in an XML document is accessed in
accordance with an object model that provides for parsing the document to create a
data tree structure having a plurality of nodes associated with the version control data
(e.g., Col. 22, Lines 52-58), but does not explicitly disclose other limitations stated
below.

However, in an analogous art of *Process Control Configuration System with
Parameterized Objects*, Dardinski discloses wherein said object being checked-out is a
user defined template, and wherein said existing dependent objects are children user
defined templates of said object being checked-out or instances of said object being

checked-out or of said children user defined templates (e.g., P. 8, 1st Para - ... icons or

other appearance information identified in a 'parent configuration object is passed on to

its children. Inherited information may be overridden ...; P. 26, 1st Para - ...The derived

Parameterized Object gets its parameters by inheriting them from the defining object

and by adding its own through local Parameter Definition associations; Sec. 1.3

Parameterized Object Connections, 1st Para - An IDA configuration consists not only of

objects, but objects which are related to each other in a number of ways ... These

relationships are all called connections; P. 47, the last bullet - Each instance of a

Connection Endpoint has a reference to a Point Placeholder; P. 48, Summarizing

relationships, all bullets)

   Therefore, it would have been obvious to one of ordinary skill in the art, at the

time the invention was made to combine the teachings of Dardinski into the Hammack's

system to further provide other limitations stated above in the Hammack system.

   The motivation is that it would further enhance the Hammack's system by taking,

advancing and/or incorporating Dardinski's system which offers significant advantages

the apparatus employ object that inherit parameters from their ancestors; changes to an

ancestor during configuration are effective as to its descendant objects and can be used

to model and define control algorithms for process control, environmental control,

industrial and other control system as once suggested by Dardinski (e.g., P. 4,

Summary of the Invention, Parameterized Objects)

Claim Rejections – 35 USC § 102(b)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(b)

that form the basis for the rejections under this section made in this office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12.   Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Dardinski

13.   **As to claim 16** (Previously Presented), Dardinski discloses a computer readable

medium having executable instructions stored thereon to perform a method version

control (e.g., P. 92, Sec. 1.8 Version Control), said method comprising:

when checking-in an object, determining relationships of said object by:

- determining whether said object being checked-in has a first derivation

    parent;

- adding a name and a version of said first derivation parent to a list of object

    relationships, if said object being checked-in has said first derivation parent

    (e.g., P. 104, Sec. 1.8.3.6 Checked-In Parameterized Object, 4th Para –

    Relationship are, 3rd bullet – A checked-in version of a Parameterized Object

    maintains a reference to its Previous Version, in support of the requirement to

    be able to 'chain' down the version tree of any Parameterized object ...; Sec.

    1.8.3.7 Parameterized Object (Previous Version), 1st Para - ... Each

    Parameterized Object is aware of its immediate ancestor, and its immediate

descendant, in the 'geneology' hierarchy ... Relationships are: including all

four bullets);

- determining for each contained object that is contained in said object being

  checked-in, whether said contained object has a second derivation parent, if

  said object being checked-in does not have said first derivation parent;

- adding a name and a version of said second derivation parent to said list of

  object relationships, if said contained object being checked-in has said

  second derivation parent (e.g., P. 25, Sec. 1.1.1.1 Parameterized Object, 1st

  bullet – A Parameterized Object has <u>an ordered one-to-many association with

  the Parameter Definition object</u> ...; 3rd bullet - A Parameterized Object has an

  association to another Parameterized Object from which it inherits parameters

  ...); and

- providing said list of object relationships.

Conclusion

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ben C. Wang whose telephone number is 571-270-

1240. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00

p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ben C Wang/   /Lewis A. Bullock, Jr./
Ben C. Wang   Supervisory Patent Examiner, Art Unit
Examiner, Art Unit 2192   2193